

Brookline Advisory Committee
Schools Subcommittee Report
Warrant Article 28

The Schools Subcommittee of the Advisory Committee held a public hearing on March 17, 2021 to review Warrant Article 28 of the May 2021 Annual Town Meeting. Due to current health concerns, the hearing was held via Zoom. In attendance were Subcommittee members Cliff Board (Chair), Ben Birnbaum, Dennis Dougherty, Paul Warren, and Chi Chi Wu.

Also present were Raul Fernandez (Select Board member), Melissa Goff (Deputy Town Administrator), Justin Casanova-Davis (Asst. Town Administrator), Monique Baldwin, and members of the public.

RECOMMENDATION

By a vote of 5-0-0, the Schools Subcommittee recommends favorable action on Warrant Article 28.

BACKGROUND AND SUMMARY

Submitted by the Select Board, Warrant Article 28 would authorize the Select Board to petition the Legislature for legislation that would authorize the expenditure of \$500,000 from the Town's Marijuana Mitigation Stabilization Fund for the purposes of supporting racial equity projects and initiatives.

In Fall 2019, Town Meeting passed a resolution to establish a Racial Equity Advancement Fund; a year later in Fall 2020, Town voted to create the Marijuana Mitigation Stabilization Fund. Warrant Article 28 would seek legislative authority to expend \$500,000 from the Stabilization Fund for the purposes of creating the Racial Equity Fund called for in the Fall 2019 Warrant Article. The funding would come from Host Community Agreement mitigation fees from licensed marijuana establishments. Funds would not come from the marijuana sales tax.

Currently, HCA funds are required to be used for mitigation activities, such as Department of Public Works or Public Safety. But since we were the first community in the immediate vicinity of Boston to have a recreational marijuana establishment, the Town would argue that we should be permitted to use some of these funds for racial equity advancement projects.

In terms of practical implementation, the \$500,000 will be used to seed a Racial Equity Fund ("Fund") that will be administered by the Brookline Community Foundation (BCF). The BCF has the experience and infrastructure required both to administer the Fund and to seek additional capital for the Fund. This structure would also allow community members to give to the Racial Equity Fund. BCF will assess quarterly fees for administering the Fund.

PUBLIC COMMENT

No members of the public commented on the Warrant Article.

DISCUSSION

Subcommittee member Chi Chi Wu asked what costs there would be to the Town in terms of staff time to lobby for the legislation. Melissa Goff estimated the expenditure of time would be minimal, perhaps two or three afternoons spent in hearings at the State House that would require the attendance of Town Administrator Kleckner, a designated staffer, and Select Board member Fernandez.

Subcommittee member Paul Warren suggested that an additional argument for using the HCA funds for racial equity is that the cannabis legislation was partially intended to benefit the communities of color that were historically harmed by the criminalization of marijuana. However, the legislation has not had the intended effect in Brookline (or elsewhere) and that this is a way to directly accomplish that original legislative intent.

Subcommittee Chair Cliff Brown suggested that it may be worth approaching local community banks to contribute to the Racial Equity Fund to meet their Community Reinvestment Act obligations.

Subcommittee member Ben Birnbaum asked how much is in the Stabilization Fund currently. In FY 2020, the Town collected \$1.73 million, expended about \$867,000, which left about \$863,000. That latter amount is currently being used as Free Cash to support expenditures but there will be additional payments to the Stabilization Fund in FY 2021. Whatever is available at the end of FY 2021 will be used to support mitigation activities and to transfer the \$500,000 into the fund.

There was a discussion of the fact that this Warrant Article only asks the Legislature for a one-time expenditure, and would it be preferable to have authorization for continuing contributions to the Fund. However, the Warrant Article cannot be expanded from what was filed. Also, the Host Community Agreement is only for a 5-year period, and will need to be negotiated at the end of that time. So, the HCA funds are guaranteed for that amount of time.

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Submitted by: Select Board

**PROPOSED TOWN MEETING WARRANT ARTICLE
SPECIAL LEGISLATION FOR RACIAL EQUITY EXPENDITURES**

To see if the Town will authorize the Select Board to petition the Legislature for legislation authorizing the expenditure of \$500,000 from the Town's Marijuana Mitigation Stabilization Fund (consisting of funds derived from Host Community Agreement mitigation fees from licensed cannabis establishments) for the purpose of supporting projects, programs and initiatives that advance racial equity and racial justice within the Brookline community; provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

AN ACT AUTHORIZING EXPENDITURE OF \$500,000 FROM TOWN OF BROOKLINE'S MARIJUANA MITIGATION STABILIZATION FUND FOR PURPOSE OF ADVANCING RACIAL EQUITY IN THE TOWN OF BROOKLINE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 3 of chapter 94G of the General Laws, section 5B of chapter 40, section 53 of chapter 44 of the General Laws, or any other general or special law to the contrary, the Town of Brookline is authorized to spend \$500,000 from the Town's Marijuana Mitigation Stabilization Fund (consisting of funds derived from Host Community Agreement mitigation fees from licensed cannabis establishments) for the purpose of supporting projects, programs and initiatives that advance racial equity and racial justice within the Brookline community. Such monies shall be expended in conformity with Select Board regulations and/or such terms as the Select Board may specify.

SECTION 2. This act shall take effect upon its passage.

Or take any other action relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article is submitted as part of the Town's efforts to implement a Racial Equity Fund as contemplated by the non-binding resolution passed by Town Meeting in 2019. The concept at that time was to dedicate a certain percentage of excise taxes on non-medical

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May 19, 2021 Annual Town Meeting

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sales of cannabis and place it in a fund for expenditure to support education, training and other needs to advance economic opportunities in the cannabis and related industries for individuals from communities disproportionately harmed by cannabis prohibition. The Town Administrator has proposed to fund this plan by instead allocating \$500,000 of cannabis host community mitigation fees. The Town of Brookline secured substantial mitigation fees while bearing disproportionate and negative impacts from being host to the only adult use retail marijuana establishment in the Boston urban core for nearly one year. We believe the Town is thus in a unique position of petitioning the General Court for permission to use mitigation funds for this purpose notwithstanding the strict limitations imposed by Chapter 94G, the new law authorizing sales of cannabis. If passed, the Town will be able to expend \$500,000 from accrued host community mitigation fees for the purposed initially proposed in the Town Meeting Resolution and developed further by the Office of Diversity, Inclusion and Community Relations.
